

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

APPLICANT(S):	LEVAS, Anthony et al.	GROUP ART UNIT: 2626
APPLICATION NO.:	10/797,847	EXAMINER: JACKSON, Jakieda R.
FILING DATE:	March 10, 2004	DATED: May 6, 2010
FOR:	A SYSTEM AND METHOD FOR PRESENTING AND BROWSING INFORMATION	

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPELLANTS' REPLY BRIEF

REPLY

Appellants respectfully submit the following as a reply to the arguments contained in the Examiner's Answer dated April 1, 2010.

The claims of the present application recite, in one form or another, directional tagging of classified information with directional tags for spatial presentation, and consulting the directional tags to audibly present each class from a different position in space relative to a user and based on the directional tags. A directional tag controls the location in space from which the classified information is presented to a user. See Specification at pages 5-8 for an explanation of the direction tag. A directional tag is independent from a location of a user, that is, the different position in space from which the information is presented is both relative to a user and based on the directional tags. The Examiner alleges that the combination of Kovesdi and Willins discloses these features.

As was argued in Appellants' Brief on Appeal, Kovesdi utilizes various 2-dimensional visual displays to indicate the location of physical objects that have been represented by machine-readable object identifiers, e.g. a Radio Frequency Identifier (RFID) tag.¹ The device in Kovesdi displays the location of an object based on the orientation of the device. Willins teaches a system where audio is output from a headset connected to a mobile terminal,² the headset

¹ See Kovesdi at FIGs. 1 and 2.

² See Willins at Abstract.

includes a compass to determine the head orientation of a user.³ Willins uses the head orientation of the user to determine how sound is output. The Examiner concedes that Willins teaches that based on the geographical position of the user and user's orientation, the terminal plays an audio clip describing what the user is directly viewing.⁴

The directional tagging of the claims of the present application define from where the sound is to emanate, whereas the combination of Kovesdi and Willins produces a device that produces sound from a position in space based on the location of a user.

Thus, the combination of Kovesdi and Willins cannot render the claims of the present application unpatentable.

As the Examiner has failed to make out a prima facie case for an obviousness rejection, the rejection of Claims 1, 5-9, 13-18 and 22-26 must be reversed.

It is well settled that in order for a rejection under 35 U.S.C. §103(a) to be appropriate, the claimed invention must be shown to be obvious in view of the prior art as a whole. A claim may be found to be obvious if it is first shown that all of the recitations of a claim are taught in the prior art or are suggested by the prior art. In re Royka, 490 F.2d 981, 985, 180 U.S.P.Q. 580, 583 (C.C.P.A. 1974), cited in M.P.E.P. §2143.03.


³ See Willins at Abstract.

⁴ See Answer at page 7.

The Examiner has failed to show that all of the recitations of Claims 1, 5-9, 13-18 and 22-26 are taught or suggested by Kovesdi in view of Willins.

Accordingly, the Examiner has failed to make out a prima facie case for an obviousness rejection. Therefore, the rejections of Claims 1, 5-9, 13-18 and 22-26 must be reversed.

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